

REMARKS/ARGUMENTS

In the present first Office Action, claims 1-15 were examined. Claims 1-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over **Pogue** [US 6,112,240] in view of **Lorenz** [US Publication 2002/0078191]. The examiner's argument is that Pogue teaches all of the elements of claim 1 and claim 9 including adding a tag to a document to create a tracker enabled document, providing the tracker enabled document to a visitor on the web, and that Lorenz further teaches the idea of capturing an e-mail address from the visitor.

Applicant respectfully offers amendments to the claims that distinguish the applicant's invention from the combination of Pogue and Lorenz. As noted by the examiner Pogue does disclose a method for obtaining client information relating to a web page utilizing a tracker tag but does not do so in a way that captures an e-mail address, which is a critical component of precise tracking of visitor activity. Lorenz does describe a technique for capturing an e-mail address but in a different context.

A feature of the invention of the applicant is the use of a separate service provider website with it's associated communication software to both create tracker enabled documents (e-mail and web pages) and in the case of e-mail campaigns initiate a tracking session by sending out the tagged e-mails to potential visitors. While the Pogue reference does refer to a separate website for tracking the Lorenz reference is a different teaching. The one paragraph [0010] reference in Lorenz is to an older technique of attempting to capture an e-mail address directly from a commercial website by use of an on-line form. No separate service provider website is involved and there only one way of capturing the e-mail address is mentioned. In particular, the use of e-mails sent by a

separate service provider website as a key part of the process of initiating a tracking campaign of customers is not disclosed in any way. As discussed in the current application [paragraph 0014] commercial websites desire to automatically and precisely identify targeted visitors and record their behavior and correlate visitor information from both e-mails and website behavior. Applicant respectfully argues that a person of ordinary skill in the art would not read into Lorenz the concept of using a separate service provider website and software to capture both the e-mail and website behavior of visitors. Therefore Lorenz is not a proper reference to combine with Pogue in light of the amended claims submitted herewith.

Applicant further respectfully submits that the amended claims that are part of this response fully distinguish this aspect of the instant invention from Pogue and Lorenz.

If the Examiner has any questions or believes that a discussion with Applicant's representative would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

Respectfully submitted,

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